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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/955,898 | 09/19/2001 | Dillis V. Allen | | 9911 |

7590 10/28/2003
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| EXAMINER | |
|------------------|--------------|
| SEMUNEGUS, LULIT | |
| ART UNIT | PAPER NUMBER |
| 3641 | |

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,898

Applicant(s)

ALLEN, DILLIS V.

Examiner

Lulit Semunegus

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed August 4, 2003 have been fully considered but they are not persuasive. Applicant argues that the claims include a number of details regarding the injection of NLW solely into the cabin sealed from the cockpit which are not taught in the references used in the previous rejection.

Applicant notes that there is no drawing in the Birch (GB2 183 582 A) reference making it difficult to determine how such a system is arranged and constructed. Birch not having a drawing is not pertinent since Birch clearly teaches that injecting NLW into aircraft's air-conditioning system is well known in the art where arranging or constructing is not required to understand the concept. Further applicant argues that the Birch system can only be used on the ground because it disables the crew, as well as the passengers. This is merely a speculation since Birch does not specifically teach the aircrew as being on the ground. Aircrew can also mean aircrew inside the passenger cabin (flight attendants). Applicant also assumes that security personnel can only approach the aircraft when the aircraft is on the ground. But applicant is reminded there might be air enforcement personnel inside the aircraft during flight where they are assimilated as a passenger for security purposes. For the reasons above, Birch can be considered to be used in the air and not only on the ground. Nevertheless, applicant has not claimed the present application being used only in the air. Even if these are taught in the present application's specification a reading of the specification provides

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no evidence to indicate that these limitations must be imported into the claims to give means to disputed terms.

Furthermore, applicant argues that the Bruensicke system deals solely with the evacuation of smoke from an aircraft fuselage. Applicant also argues that the Washington Post article nor the bruensicke patent show any NLW supply system. Applicant is reminded that the NLW supply system is taught in Birch system where NLW is introduced thru ventilation or air-conditioning system (col. 2, lines 19-36).

Applicant states that Bruensicke does not teach separate air-conditioning system. Bruensicke is used to teach that having different air-conditioning system is known in the art as taught in col. 3, lines 63-64 where bruensicke teaches an air being distributed into various cabin zones which teaches that having air-conditioning duct system separated by zones is well known in the art.

For the reasons stated above the previous rejection still stands.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Washington Post, dated Sept. 13, 2001 in view of Bruensicke (4,552,325) in view of Birch (GB 2,183,582).

In regards to claim 1, The Washington Post teaches that Israeli national airline, El Al has been using the tactic of sealing off a cockpit door before the September 11, 2001 tragedy (page 2, paragraph 5 and 6), where the seal system is impervious to any material (page 2, 6th paragraph).

Birch teaches a non-lethal weapon system for an aircraft (page 2, lines 21-23).

As to Claim 2, Bruensicke teaches a first air conditioning system for the cockpit and a second air conditioning system for the cabin (col. 3, lines 56-66).

As to claims 3 and 5, Bruensicke teaches an exhaust system for cabin material where the exhaust system can be used for any kind of emergency for removing unwanted cabin material (abstract).

As to claims 4 and 6, Bruensicke teaches an interior master control, IMC, for activating a supply system and for terminating the supply and activating the exhaust system (col. 2, lines 37-46).

At the time of the invention it would have been obvious to one ordinary skilled in the art to combine the teachings of Bruensicke, Birch and Israeli's El al tactic to protect the pilots from being affected by NLW and also it would have been obvious to add an exhaust system as taught by Bruensicke to any aircraft to clean up any material (smoke, non-lethal or lethal) from the cabin.

Conclusion

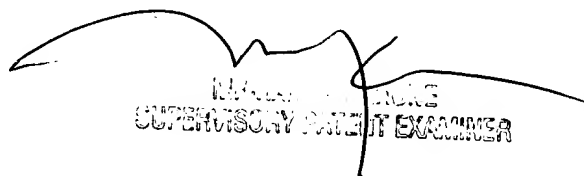
4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lulit Semunegus whose telephone number is (703) 306-5960. The examiner can normally be reached on Mon-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (703) 306-4198. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


MICHAEL CARONE
SUPERVISORY PATENT EXAMINER